

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



Blas J. Coy, Jr., *Public Interest Counsel*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 17, 2014

Bridget Bohac, Chief Clerk  
Texas Commission on Environmental Quality  
Office of the Chief Clerk (MC-105)  
P.O. Box 13087  
Austin, Texas 78711-3087

**RE: HIGH POINT WATER SUPPLY CORPORATION  
TCEQ DOCKET NO. 2014-0943-UCR**

Dear Ms. Bohac:

Enclosed for filing is the Office of Public Interest Counsel's Reply to Meadow Ridge Farm, LP's and High Point Water Supply Corporation's Joint Motion to Overturn the Executive Director's Order in the above-entitled matter.

Sincerely,

A handwritten signature in cursive script, reading "Isabel G. Segarra Treviño".

Isabel G. Segarra Treviño, Attorney  
Assistant Public Interest Counsel

cc: Mailing List

Enclosure

**TCEQ DOCKET NO. 2014-0943-UCR**

<b>PETITION FROM MEADOW</b>	<b>§</b>	<b>BEFORE THE</b>
<b>RIDGE FARM, LP, FOR AN</b>	<b>§</b>	
<b>EXPEDITED RELEASE FROM</b>	<b>§</b>	
<b>HIGH POINT WATER SUPPLY</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>CORPORATION'S CERTIFICATE</b>	<b>§</b>	
<b>OF CONVENIENCE AND</b>	<b>§</b>	
<b>NECESSITY NO. 10841 IN</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>
<b>KAUFMAN COUNTY, TEXAS</b>	<b>§</b>	

**THE OFFICE OF PUBLIC INTEREST COUNSEL'S REPLY TO MEADOW RIDGE FARM, LP'S AND HIGH POINT WATER SUPPLY CORPORATION'S JOINT MOTION TO OVERTURN THE EXECUTIVE DIRECTOR'S ORDER**

TO THE HONORABLE MEMBERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

The Office of Public Interest Counsel (OPIC) of the Texas Commission on Environmental Quality (TCEQ or Commission) files this reply to Meadow Ridge Farm, LP's (Petitioner) and High Point Water Supply Corporation's (High Point WSC) Joint Motion to Overturn the Executive Director's Order (MTO) granting Petitioner's petition for an expedited release from High Point WSC's Certificate of Convenience and Necessity (CCN) in Kaufman County, Texas. OPIC recommends granting the MTO for the reasons stated below.

**Background**

On April 24, 2014, Petitioner filed a petition for an expedited CCN release pursuant to § 13.254 of the Texas Water Code. The Executive Director (ED) signed an order granting the petition on May 28, 2014. While the matter was pending before the ED, discussions between Petitioner and High Point WSC ultimately lead Petitioner to withdraw the petition. The withdrawal was submitted to the Commission via facsimile on June 13, 2014. The ED's signed order was mailed to Petitioner on June 16, 2014. Petitioner and High Point WSC filed a joint MTO pursuant 30 TAC § 50.139 on July 2, 2014.

**Applicable Law**

Any person may file a Motion to Overturn the Executive Director's decision. 30 Texas Administrative Code (TAC) § 50.139(a). Motions to Overturn the ED's decision must be filed no later than twenty-three days after the Commission mails notice of the signed permit, approval, or other action of the ED to the applicant or persons on any required mailing list. 30 TAC § 50.139(b).

**Discussion**

Petitioner timely filed the MTO on July 2, 2014. In the motion, Petitioner states that the CCN transfer is no longer necessary because the parties may be able to reach a private agreement regarding water service to Petitioner's land. The MTO was filed jointly by Petitioner and High

Point WSC, and both parties believe they can reach an agreement. A private water services agreement obviates the need for a CCN transfer. OPIC recommends that the Commissioners grant the MTO to set the ED's order aside.

Respectfully submitted,

Public Interest Counsel

By: 

Isabel G. Segarra Treviño

Assistant Public Interest Counsel

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#### CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2014 the original and a true and correct copy of the Office of Public Interest Counsel's Reply to Motion to Overturn was filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, Inter-Agency Mail, electronic mail, or by deposit in the U.S. Mail.

  
Isabel G. Segarra Treviño

**MAILING LIST**  
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**TCEQ DOCKET NO. 2014-0943-UCR**

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